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09/634,612	08/05/2000	Ronald John Rosenberger		2637

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EXAMINER

MYHRE, JAMES W

ART UNIT

PAPER NUMBER

3622

DATE MAILED: 08/25/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Interview Summary

Application No.

09/634,612

Applicant(s)

RONALD ROSENBERGER

Examiner

MYHRE

Group Art Unit

3622

All participants (applicant, applicant's representative, PTO personnel):

(1) ERIC STAMBER (SPE)(3) RONALD ROSENBERGER (APPLICANT)(2) JIM MYHRE (PRIMARY EXAMINER)

(4) \_\_\_\_\_

Date of Interview 8/18/03Type: ☒ Telephonic ☐ Personal (copy is given to ☐ applicant ☐ applicant's representative).Exhibit shown or demonstration conducted: ☐ Yes ☒ No. If yes, brief description:Agreement ☐ was reached. ☒ was not reached.Claim(s) discussed: 1

Identification of prior art discussed:

SEE ATTACHED

Description of the general nature of what was agreed to if an agreement was reached, or any other comments:

SEE ATTACHED

(A fuller description, if necessary, and a copy of the amendments, if available, which the examiner agreed would render the claims allowable must be attached. Also, where no copy of the amendments which would render the claims allowable is available, a summary thereof must be attached.)

1. ☒ It is not necessary for applicant to provide a separate record of the substance of the interview.

Unless the paragraph above has been checked to indicate to the contrary, A FORMAL WRITTEN RESPONSE TO THE LAST OFFICE ACTION IS NOT WAIVED AND MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a response to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW.

2. ☐ Since the Examiner's interview summary above (including any attachments) reflects a complete response to each of the objections, rejections and requirements that may be present in the last Office action, and since the claims are now allowable, this completed form is considered to fulfill the response requirements of the last Office action. Applicant is not relieved from providing a separate record of the interview unless box 1 above is also checked.

Eric W. Stamber  
ERIC W. STAMBER  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600

Examiner Note: You must sign and stamp this form unless it is an attachment to a signed Office action.

Attachment to Interview Summary of 8/18/03

1. Initial discussion focused on applicant's e-mail of 8/12/03 and fax of 8/14/03, which were both submitted for interview discussion.
2. Applicant had two main arguments in this transmitted material: 1) that the combination of Bucci and Byerly et al. resulted in the destruction of the references and rendered the combination of the references impermissible (from the e-mail of 8/12/03); and 2) that it is unfair and misleading to suggest that "targeted messages" in light of Bucci comprises absolutely anything other than "targeted advertising" (from the fax of 8/14/03).
3. On the first point, the SPE pointed out that when combining references, one does not "throw everything in a pot, stir it up, and see what you get". Instead you take a primary reference and modify it with a teaching(s) from a secondary, teaching reference(s), providing motivation for why one of ordinary skill in the art at the time of the invention would combine the references (MPEP 2141-2144). In this instance the primary reference to Bucci was relied upon as teaching a consolidated billing statement that also includes advertising (or targeted marketing) inserts. Bills are consolidated from, for example, American Express, AT&T, Blue Cross/Blue Shield, Sears, Merrill Lynch, banks, utility companies, insurance companies, governmental agencies, etc. (Bucci, column 2 lines 33-40). The inserts are disclosed as either printed on the bill or included in the envelope with the bill. The secondary, teaching reference to Byerly et al. was relied upon for teaching a pharmacy bill that included other patient specific information including a greeting, a doctor's appointment reminders, billing information, promotional material, information concerning related products, discounts, coupons, government warnings, and news items (Byerly et al., column 6 lines 31-36). Both references are billing systems and Bucci is not destroyed by adding the teaching of Byerly et al. What one ends up with when combining the references in this fashion is a bill, including billing information obtained from a credit card company, that includes a targeted message concerning a doctor's appointment (the described health-care reminder), i.e., the references, when combined in this manner, meet the claimed (and disclosed) limitations.
4. On the second point, the Examiner and SPE pointed out that when interpreting claim limitations, they are given their broadest reasonable interpretation (MPEP 2111). In this case the claimed "reminders, tips or suggestions" have been interpreted by the Examiner as a "targeted message", and in the art, an advertisement (or targeted marketing) as described in Bucci meets the language of a targeted message. Targeted message (or reminders, tips or suggestions) is a broad concept that includes targeted marketing. Targeted marketing is itself a broad concept that includes coupons, promotions, incentives, advertising, invitations to participate in surveys or polls or tests, etc. The reminders, tips or suggestions (or targeted message) are met by the targeted marketing or advertising of Bucci.
5. Discussion shifted at this point toward finding any allowable subject matter such that a claim could be drafted for the *pro se* applicant, however the Examiner and SPE

were of the opinion that the disclosure did not contain such subject matter as could be drafted into an allowable claim in view of the prior art.

6. Applicant argued that he was attempting to claim a financial services card (credit card) that had the benefit of offering health care reminders, either on the billing statement or mailed or e-mailed or transmitted separate from the bill, in order to promote use of the card. The Examiner argued that such a benefit would be considered just another incentive for having or using the card, and would have been obvious to one of ordinary skill in the art at the time of the invention in view of the numerous other incentives that are known in the credit card art. Additionally the Examiner argued that if any claim were drafted toward the card itself, such a benefit would be considered non-functional descriptive material since it did not change how the credit card operated (the credit card is still just a credit card and would not operate differently because of the benefit).

7. The Examiner and SPE advised applicant that since no agreement could be reached as to drafting an allowable claim, and since the application is under Final rejection (mailed 6/23/03), that applicant had the options of filing an RCE to amend the claims, or the more probable course of action would be to appeal the Final rejection to the Board of Patent Appeals and Interferences (BPAI).